

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.

v.

FRONTIER COMMUNICATIONS, ET AL.

NO. 2:10-CV-265-TJW

JURY

PLAINTIFF'S ANSWER TO MAGICYELLOW'S COUNTERCLAIMS

Plaintiff Geotag, Inc. ("Geotag") answers the counterclaims (Dkt No. 109) of Defendant Magicyellow, Inc. ("Magicyellow" or "Defendant"), by corresponding paragraph number as follows:

1. Admitted.
2. Admitted that Geotag is a Delaware corporation with a place of business in Plano, Texas.
3. Admitted as to jurisdiction and venue over counterclaims. Denied as to merits of counterclaims.
4. Admitted that venue is proper. Denied that there is any basis for contesting or transferring venue.
5. Admitted.
6. Admitted that Geotag asserts that Magicyellow infringes the '474 patent. Denied as to the merits of Magicyellow's denials and defenses. Admitted that a legal case or controversy exists for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.
7. Geotag incorporates its answers to paragraphs 1 – 6 above.

8. Admitted that a legal case or controversy exists for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

9. Denied that Magicyellow has any grounds for such a declaration. Denied as to merits of counterclaims.

10. Denied.

11. Geotag incorporates its answers to paragraphs 1 – 10 above.

12. Admitted that a legal case or controversy exists for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.

13. Denied that Magicyellow has any grounds for such a declaration. Denied as to merits of counterclaims.

14. Denied.

15. To the extent necessary, Geotag denies that Magicyellow is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, Geotag generally denies any allegation in the counterclaims not specifically admitted above, and Geotag re-alleges infringement, validity and damages, and denies any allegations in the counterclaim adverse to same.

PRAYER FOR RELIEF

WHEREFORE, Geotag respectfully requests that this Court enter judgment denying and dismissing Magicyellow's counterclaims, and that the Court enter judgment in favor of Geotag as requested in Geotag's complaint, as amended or supplemented.

December 13, 2010

Respectfully submitted,

GEOTAG, INC.

By: /s/ John J. Edmonds
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ATTORNEYS FOR PLAINTIFF
GEOTAG, INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

December 13, 2010

/s/ John J. Edmonds
John J. Edmonds